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July 22, 2024

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Re: **Bed Bath & Beyond, Inc.,  
Case No. 23-13359 (VFP)**  
**Second Joint Status Report - Stay Relief Motions  
and Personal Injury Claim Resolution Procedures  
Motion**

Dear Judge Papalia:

This firm represents Michael Goldberg in his capacity as the Plan Administrator (the “Plan Administrator”) to 20230930-DK-Butterfly-1, Inc. (f/k/a Bed Bath & Beyond, Inc.). This correspondence is in furtherance of Your Honor’s request for a joint status report in connection with the parties progress in formulating Estimation Procedures<sup>1</sup> in connection with personal injury claims. We previously provided you a status update on July 8, 2024, which appears on this Court’s Docket at Docket No. 3345.

Per Your Honor’s direction, the parties, including (i) the Plan Administrator, (ii) movant Alfred Zeve, (iii) movants Penelope Duczkowski and Joseph Duczkowski, and (iv) Safety National Casualty Corp., each by and through their respective counsel (collectively (i)-(iv), the “Parties”), are continuing to make material progress in preparing a comprehensive set of alternative dispute resolution procedures (the “ADR Procedures”), specifically designed

<sup>1</sup> Capitalized terms not defined herein shall have the same meaning ascribed to them in the May 30, 2024, correspondence to the Court, filed at Docket No. 3304, or as otherwise provided herein.



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The Honorable Vincent F. Papalia  
July 22, 2024  
Page 2

to promptly address personal injury claims in a fair and efficient manner. The Parties believe that these discussions have been productive and remain optimistic that a motion to establish the ADR Procedures will be filed with the Court in the near term.

This Court previously established a status conference on the ADR Procedures and set a carry date on the Motions (the “Status Conference”), which is currently set for July 23, 2024, at 2:30 p.m. The Parties have agreed to a continuance of the Status Conference as they continue to prepare the ADR Procedures, and request this Court continue the status conference to the exiting hearing date of August 27, 2024, at 10:00 a.m.

Respectfully submitted,

*/s/ Paul J. Labov*

Paul J. Labov

PJL

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